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REMARKS

Claims 1 to 21 are pending. No claims are allowed.

Claims 1 to 21 are rejected under 35 USC 103(a) as being unpatentable over Klementowski (U.S. Patent No. 5,616,429) or Gan et al. (U.S. Patent No. 6,274,269). The two patent references as well as the present invention have a common goal. As discussed in the Applicants' specification at page 1, lines 14 to 17, among others, "it is desirable to reduce voltage delay and permanent or irreversible Rdc growth at about 35% to 70% of depth-of-discharge (DOD) where these phenomena typically occur." Klementowski states at column 1, lines 48 to 52 that after heat conditioning, "the cell is dischargeable under current pulse applications with reduced or no appreciable voltage delay." Similarly, Gan et al. state at column 1, lines 18 to 23 that their invention "relates to a lithium electrochemical cell activated with an electrolyte having an additive for the purpose of reducing and/or eliminating voltage delay under current pulse discharge applications." Thus, the stated goals of the prior art references as well as of the Applicants' invention are the same - to reduce voltage delay of an electrochemical cell during pulse discharge applications. However, the means to that end is significantly different.

Klementowski reduces voltage delay "by subjecting the cell to elevated temperature to heat condition the cell." See column 1, lines 60 to 65. On the other hand, Gan et al. state at column 2, lines 54 to column 3, line 2 that their "invention is directed to the provision of organic phosphate additives in the electrolyte of an alkali metal electrochemical cell to beneficially modify the anode surface film. The phosphate additives are defined herein as organic phosphate mono-ester, diester or triester compounds or

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phosphoric acid provided as a co-solvent with commonly used organic aprotic solvents. The organic phosphate additives are in a condensed phase which makes them easy to handle in electrolyte preparation. When used as a co-solvent in an activating electrolyte, the phosphate additives interact with the alkali metal anode to form an ionically conductive surface protective layer thereon. The conductive surface layer improves the discharge performance of the alkali metal electrochemical cell and minimizes or even eliminates voltage delay in the high current pulse discharge of such cells."

The examiner writes in the office action that each of the references do "not specifically disclose the cell having a capability to deliver the discharge of at least 2% depth of discharge in 60 days and/or the cell reaching 15%-25% of depth of discharge." (Emphasis added.) While accurate, that statement completely misses the scope of the Applicants' pending claims. The question is not whether the competing cells are "capable" of being discharged one way or another, but rather, whether the prior art references teach the claimed method of accomplishing the desired result of reduced voltage delay. For example, if the Klementowski and Gan et al. patents each describe substantially identical Li/SVO cells, the competing cells would be capable of being discharged in a like manner. However, it is the claimed novel method of discharging an alkali metal/solid cathode cell, for example a Li/SVO cell, which accomplishes the result of reduced voltage delay according to the present invention. That the Klementowski and Gan et al. cells could be discharged accordingly to the steps set forth in the pending claims is not the issue. Instead, it is whether the Applicants have discovered a patentable method for discharging certain cell chemistries for the purpose of reducing voltage delay.

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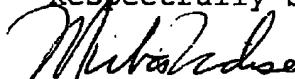
In that light, neither cited patent alludes to, much less teaches, the claimed methods.

Accordingly, independent claims 1, 2, 8 and 15 are patentable in light of the Klementowski and Gan et al. patents, whether taken along or in the contribution with each other. Claims 3 to 7, 9 to 14 and 16 to 21 are allowable as hinging from patentable base claims.

Reconsideration of this rejection is requested.

It is believed that claims 1 to 21 are now in condition for allowance. Notice of allowance is requested.

Respectfully submitted,



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